PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , SEPTEMBER 26 , 19 89

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING September 26 ,19 89, IN Regular SESSION. PRESIDENT Charles B. Redd IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P ,	BURNS P ,	EDMONDS ,
GiaQUINTA P ,	HENRY P ,	LONG ,
REDD P ,	SCHMIDT P ,	TALARICO P ,

ABSENT:

COUNCILMEMBER: , ,

, ,

THE MINUTES OF THE LAST REGULAR September 12 ,19 89,

,19 ,

SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 26th day of September, 19 89, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19_____.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

31 August 1989

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-89-08-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
31st day of August 1989.

Robert Hutner
Secretary

FACT SHEET

Z-89-08-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From R-1 to P O D

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

400 Block of Ludwig Road, West of the Railroad tracks & South of the Airport.

Reason for Project

Professional Offices

Discussion (Including relationship to other Council actions)

21 August 1989 - Public Hearing

John Wernet, attorney for the petitioner stated that they would be submitting a letter of withdrawal prior to the business meeting for this petition.

28 August 1989 - Business Meeting

Motion was made and seconded to withdraw the petition as requested by the petitioner.

Of the six (6) members present five (5) voted in favor of the withdrawal, one (1) did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Leroy Lepley City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No - ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 20 July 1989

Projected Completion or Occupancy Date 31 August 1989

Fact Sheet Prepared by Date 31 August 1989

Patricia Biancaniello

Reviewed by Date August 31, 1989

Tony Maglio

Reference or Case Number

Summit Land Investors, Inc. agents for Wilmer Rodenbeck and Laverne Linnemeier, request a change of zone from R-1 to P.O.D.

Location: On the south side of Ludwig Road, just west of the railroad, and south of Smith Field.

Legal: See file

Land Area: Approximately 2.39 acres

Zoning: R-1

Surroundings:

North	RA	Smith Field Airport
South	R-1	Proposed SFR
East	B-1-A	Offices
West	R-1	Single Family Residential

Reason for Request: A proposed 3 building office park.

Neighborhood Assoc.: Ludwig Park

Neighborhood Plan: No comment.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal for the North Sector, where this request is located, is for orderly growth. This proposal is not compatible with surrounding land uses and is not consistent with the overall goals of the Comprehensive Plan.

Landscape: No comment.

Planning Staff Discussion:

This area has been reviewed by the Plan Commission numerous times in the past two years. A single family residential subdivision is proposed for the acreage directly behind and west of this 2.4 acre site. Development of that subdivision is at the primary stages, and has not yet begun.

There are two major areas of concern in this general area. The residents are greatly concerned with increased traffic, and the effect that would have on their safety. Second, the proximity of this site to the Smith Field Airport also represents another concern, in that any and all development should be reviewed and approved by the appropriate airport authorities.

Public safety is a major concern for any parcel abutting an airport. The presence of a runway approach path intersecting this parcel on a diagonal restricts the acceptable building area, further limiting its residential potential. While the Comprehensive Plan suggests that this might be an inappropriate use, the unique mitigating circumstances require a more detailed analysis. Typically a non-residential use offers a higher degree of public safety, and ameliorates the potential hazards. With the capability of the Plan Commission to place certain restrictions on the development plan, this change of zone offers the best potential for acceptable development.

Recommendation: Do Pass, for the following reasons:

1) Approval would allow for an amelioration of the potential hazard that exists due to the parcels proximity to the airport.

2) The highest and best use of this property in terms of public safety is in non-residential development.

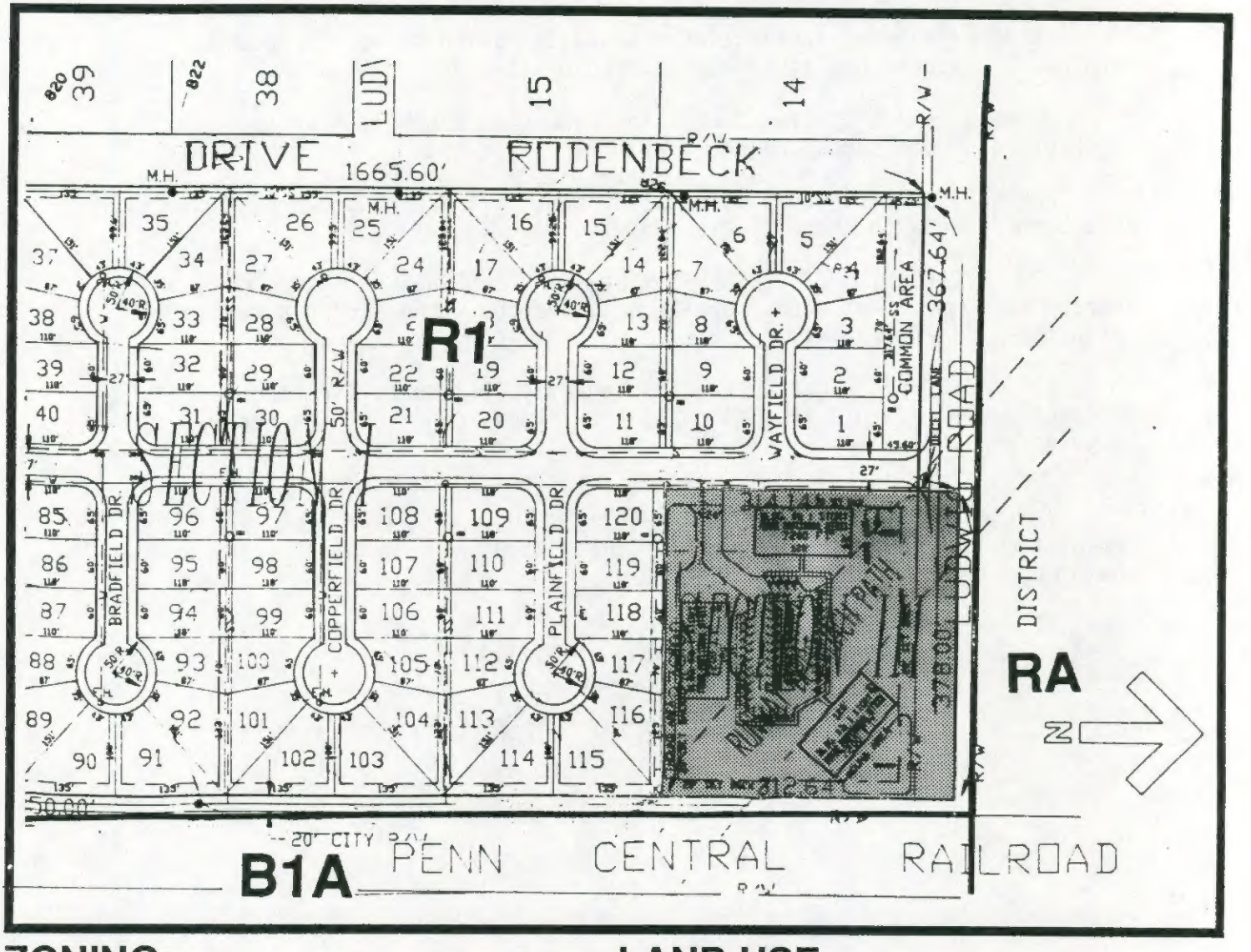
3) A Professional Office District is compatible with the B-1-A office uses to the east, and can serve as a buffer to the residential uses west and south.

REZONING PETITION #402

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **P.O.D.** DISTRICT.

MAP NO. **L-38**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

R1 RESIDENTIAL DISTRICT

B1A LIMITED BUSINESS "A"

RA RESIDENCE "A"

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

SCALE: NTS

DATE: 7-25-89

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-89-08-08: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1989.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 28, 1989.

Certified and signed this
31st day of August 1989.

Robert Hutner
Secretary

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

130/89/D, 131/89/E, 132/89/E, 133/89/E, 134/89/E, and 135/89/D
For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 130/89/D, 131/89/E, 132/89/E, 133/89/E 134/89/E and 135/89/D

I hereby certify that I did this 18th day of September 1989 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. SEE ABOVE of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 130/89/D

(Adopted September 13, 1989, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

PLAY STREET (DELEGATED)

_____

_____

_____

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 8, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 13, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PLAY STREET	(DELEGATED)
Liberty Drive	from Lower Hungtington Road to Waynewood Drive from 11:50 a.m. to 12:50 p.m. Monday thru Friday when barricades are in place

PLAY STREET	(DELEGATED)
The east/west alley	between Broadway and Van Buren Street and between Washington Boulevard and Jefferson Boulevard, that portion of the alley adjacent to the playground area only from 10:00 a.m. to 10:30 a.m.; 11:45 a.m. to 1:00 p.m.; and from 2:00 p.m. to 2:30 p.m. Monday thru Friday and 12:30 p.m. to 3:00 p.m. on selected Tuesdays thru Thursdays when barricades are in place

REGULATORY RESOLUTION NO. 131/89/E

(Adopted September 13, 1989, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

_____

_____

_____

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 12, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 13, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

Second Street --from Orchard Street to Wells Street

Third Street --from Orchard Street to Wells Street

REGULATORY RESOLUTION NO. 132/89/E

(Adopted September 13, 1989, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

STOP INTERSECTION (EMERGENCY)

_____

_____

_____

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 12, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 13, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

River Run Court/River Run Trail --stop-- for Inland Trail

REGULATORY RESOLUTION NO. 133/89/E

(Adopted September 13, 1989, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

DELETE: _____

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

_____

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 12, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 13, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

Maplecrest Road --from Monarch Drive to State Blvd.

DELETE:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

State Boulevard --from Coliseum Blvd. to Reed Road

REGULATORY RESOLUTION NO. 134/89/E

(Adopted September 13, 1989, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

STOP INTERSECTION (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 11, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 13, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Harrison Street --stop-- for Fourth Street

REGULATORY RESOLUTION NO. 135/89/D

(Adopted September 13, 1989, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

PREFERENTIAL INTERSECTION (DELEGATED)

_____

_____

_____

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 12, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 13, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Roy Street --preferential-- at Raymond Street

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

136/89/D, 137/89/E and 139/89/E
138/89/E will be re-submitted to the Board next week.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 136/89/D, 137/89/E and 139/89/E

I hereby certify that I did this 25th day of September, 1989 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. SEE ABOVE of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

Michael McAlexander

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 136/89/D

(Adopted September 20, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

NO PARKING (DELEGATED)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 13, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 20, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

Harrison Street	--west side--	from Baker Street to the first alley north

REGULATORY RESOLUTION NO. 137/89/E

(Adopted September 20, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

DELETE: _____

2 HR PARKING 8 AM TO 6 PM (EMERGENCY)

_____

_____

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 13, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 20, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

2 HR PARKING 8 AM TO 6 PM (EMERGENCY)

Harrison Street	--west side--	from Baker Street to the first alley north

REGULATORY RESOLUTION NO. 139/89/E

(Adopted September 20, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

NO PARKING 7 AM TO 4 PM (EMERGENCY)

SCHOOL DAYS ONLY

_____

_____

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 18, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective September 20, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING 7 AM TO 4 PM (EMERGENCY)
SCHOOL DAYS ONLY
Spruce Drive --both sides-- from Spruce Lane to it's western terminus